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In re Application of	:	
Aronov et al.	:	
Application No.: 10/089,976	:	DECISION ON
PCT No.: PCT/RU99/00332	:	
Int. Filing Date: 10 September 1999	:	PETITION UNDER
Priority Date: 28 April 1999	:	
Attorney Docket No.: None	:	37 CFR 1.137(b)
For: Lottery Game	:	

This is a decision on applicant's petition under 37 CFR 1.137(b) filed on 03 April 2002.

### **BACKGROUND**

This international application was filed on 10 September 1999 and claimed an earlier priority date of 28 April 1999. A copy of the published international application was transmitted to the USPTO on 09 November 2000. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Consequently, the thirty period for payment of the basic national fee in the United States expired as of midnight on 28 October 2001. This international application became abandoned with respect to the United States for failure to timely pay the required basic national fee.

Applicants filed the instant petition on 03 April 2002.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply is payment of the required basic national fee. Review of the application file and of USPTO records reveals that payment of the basic national fee does not appear to have been received. Moreover, counsel authorized the fee to be charged to his deposit account, but insufficient funds were available in the deposit account at the time the charge was attempted. Therefore, the required reply in the form of the



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